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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-972

13 **JEANNE ANN CLAY**
14 **P.O. Box 114**
15 **Whiting, IA 51102**

A C C U S A T I O N

16 **Registered Nurse License No. 562455**

Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about January 21, 2000, the Board of Registered Nursing issued Registered
23 Nurse License Number 562455 to Jeanne Ann Clay ("Respondent"). The Registered Nurse
24 License expired on February 29, 2004, and has not been renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing ("Board"),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

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2 4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline
3 any licensee, including a licensee holding a temporary or an inactive license, for any reason
4 provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
6 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
7 licensee or to render a decision imposing discipline on the license. Section 2811, subdivision (b)
8 of the Code provides, in pertinent part, that the Board may renew an expired license at any time
9 within eight years after the expiration.

10 6. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
11 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
12 disciplinary action during the period within which the license may be renewed, restored, reissued
13 or reinstated.

14 7. Title 16, Section 1419.3 of the California Code of Regulations defines the period in
15 which a license may be renewed or reinstated:

16 "In the event a licensee does not renew his/her license as provided in Section 2811 of
17 the code, the license expires. A licensee renewing pursuant to this section shall
18 furnish a full set of fingerprints as required by and set out in section 1419(b) as a
condition of renewal.

19 (a) A licensee may renew a license that has not been expired for more than
20 eight years by paying the renewal and penalty fees as specified in Section 1417 and
providing evidence of 30 hours of continuing education taken within the prior two-
year period.

21 (b) A licensee may renew a license that has been expired for more than eight
22 years by paying the renewal and penalty fees specified in Section 1417 and providing
evidence that he or she holds a current valid active and clear registered nurse license
23 in another state, a United States territory, or Canada, or by passing the Board's current
examination for licensure."

24 STATUTES

25 8. Section 2761 of the Code states, in pertinent part:

26 "The board may take disciplinary action against a certified or licensed nurse or deny an
27 application for a certificate or license for any of the following:

28 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

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2 "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action
3 against a health care professional license or certificate by another state or territory of the United
4 States, by any other government agency, or by another California health care professional
5 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
6 action."

7 **COST RECOVERY**

8 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
9 administrative law judge to direct a licentiate found to have committed a violation or violations of
10 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
11 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
12 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
13 included in a stipulated settlement.

14 **CAUSE FOR DISCIPLINE**

15 **(Discipline by the Iowa Board of Nursing)**

16 10. Respondent is subject to disciplinary action under Code section 2761, subdivision
17 (a)(4) on the grounds of unprofessional conduct in that her registered nursing license was
18 disciplined by the Iowa Board of Nursing ("Iowa Board") as follows:

19 11. On or about March 5, 2003, in a case entitled *In the matter of Jeanne A. Clay*, case
20 no. 02-020, the Iowa Board issued a Combined Statement of Charges, Settlement Agreement, and
21 Final Order ("Final Order") that placed Respondent's nursing license on probation for twelve
22 months, with terms and conditions. The terms and conditions of probation included, but were not
23 limited to, thirty contact hours of continuing education applicable to documentation and legal
24 responsibilities, continued participation in structured recovery support group meetings on a
25 regular basis, a prohibition on the consumption of alcohol, bodily fluid testing, and a medical
26 and/or mental health evaluation. The Final Order was based on the following charges, which
27 Respondent did not contest:
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1 (a) Between November 21, 2001 and December 31, 2002 had the following performance
2 issues while working at a hospital where she was employed:

3 (i) Respondent failed to chart the administration of withdrawn medications.

4 (ii) Respondent withdrew more medication than was ordered for a patient.

5 (iii) Respondent withdrew medications without a physician's order.

6 (iv) Respondent charted that medications were administered prior to being
7 withdrawn.

8 (v) Respondent charted that medications were administered during times when she
9 had not entered the patient's room.

10 **PRAYER**

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Board of Registered Nursing issue a decision:

13 1. Revoking or suspending Registered Nurse License Number 562455, issued to Jeanne
14 Ann Clay;

15 2. Ordering Jeanne Ann Clay to pay the Board of Registered Nursing the reasonable
16 costs of the investigation and enforcement of this case, pursuant to Business and Professions
17 Code section 125.3; and

18 3. Taking such other and further action as deemed necessary and proper.

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DATED: April 26, 2013

for Stacie Ben
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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